

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALIBU MEDIA LLC,

Plaintiff,

Case No. 13-12175

v.

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOV

JOHN DOE,

MAGISTRATE JUDGE DAVID R. GRAND

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION TO SERVE SUBPOENA [2]**

Plaintiff moves for leave to serve a third-party subpoena prior to a Rule 26(f) conference.

Plaintiff's motion is **GRANTED** to the following extent:

(1) Plaintiff may serve a subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure on John Doe, IP Address 24.231.185.185, through his or her ISP, Charter Communications, to obtain the name, address, and Media Access Control address for John Doe. Plaintiff is not permitted to seek or obtain the telephone number or email address of John Doe. Plaintiff's counsel is directed to attach a copy of this Order to the subpoena.

(2) Within seven days of service of the subpoena, the ISP shall reasonably attempt to identify John Doe and provide him or her with a copy of the subpoena and this Order. If the ISP is unable to determine, to a reasonable degree of technical certainty, the identity of the user of the particular IP address, it shall so notify the Court and Plaintiff's counsel.

(3) The ISP shall have twenty-one (21) days from the service of the subpoena to move to quash or otherwise object to the subpoena. John Doe shall have fourteen (14) days from receipt of the

subpoena from the ISP to move to quash or otherwise object to the subpoena.

(4) Absent any motion to quash or objection, **the ISP shall produce the information sought to the Court, not the Plaintiff, ex parte and under seal.** Said information will be provided to counsel for Plaintiff at a status conference to be scheduled by the Court.

(5) Plaintiff may only use the information disclosed pursuant to the subpoenas for the purpose of protecting and enforcing Plaintiff's rights as set forth in the Complaint

**SO ORDERED.**

S/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge

Dated: June 3, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 3, 2013, by electronic and/or ordinary mail.

S/Catherine A. Pickles  
Judicial Assistant